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15 MR. CHARLES MATOESIAN, IEPA Acting Hearing
Officer;

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1 HEARING OFFICER MATOESIAN: Good evening, ladies
2 and gentlemen. Let the record show that this hearing is
3 being held by the Illinois EPA, Environmental Protection
4 Agency, for the purpose of considering an application for
5 a Clean Air Act Permit Program permit for Midwest
6 Generation. Midwest Generation EME, LLC, located at
7 430 South La Salle Street, Suite 3500 in Chicago, has
8 requested a Clean Air Act Permit Program permit or CAAPP
9 permit from the Illinois Environmental Protection Agency
10 for its power plant located at 401 East Greenwood Avenue
11 in Waukegan. The Waukegan plant has three coal-fired
12 boilers, eight oil-fired peaking turbines, and other
13 relation emission units.

14 The CAAPP is Illinois' operating permit
15 program for major sources of emissions as required by
16 Title V of the Clean Air Act. The conditions of CAAPP
17 permits are enforceable by the public as well as by the
18 USEPA and Illinois. CAAPP permits may contain new and
19 revised conditions established under permit programs for
20 new and modified emission units, pursuant to Title I of
21 the Clean Air Act, thereby making them combined Title V
22 and Title I permits.

23 This hearing is being held by the Illinois
24 Environmental Protection Agency Bureau of Air for the

1 purpose of receiving comments and data and to answer
2 questions from the public prior to making a final decision
3 concerning the application. Lengthy comments and
4 questions should be submitted to the Illinois EPA in
5 writing. Written comments must be postmarked by midnight,
6 September 28, 2003. Comments need not be notarized and
7 should be sent to the Illinois EPA Hearing Officer
8 regarding the Waukegan CAAPP, 1021 North Grand Avenue
9 East, PO Box 19276, Springfield, Illinois, 62794-9276.
10 That information is available in the public notice in the
11 handouts.

12 This hearing is being held under the
13 provisions of subpart A of the Illinois EPA's Procedures
14 for Permit and Closure Plan Hearings, found at Illinois
15 35 Administrative Code, part 166.

16 On behalf of Renee Cipriano, the Director
17 of the Environmental Protection Agency, and the Agency
18 itself, and myself, I thank you all for coming; and we
19 will start now with a presentation by Mr. Chris Romaine.

20 MR. ROMAINE: Good evening. Thank you again for
21 coming to tonight's hearing.

22 I'm going to provide some general
23 background information for tonight's hearing. However,
24 first I want to stress that we are here to discuss an

1 operating permit for Midwest Generation's Waukegan plant.
2 As an operating permit, this permit would not address or
3 authorize construction of new generating units at the
4 plant.

5 This operating permit would be issued
6 pursuant to Title V of the federal Clean Air Act, which
7 created a federal operating permit program for major
8 sources of emissions. Nationally, this program is known
9 as the Title V permit program. In Illinois, this program
10 is known as the Clean Air Act Permit Program. The acronym
11 that we use is C-A-A-P-P or "cap." The terms CAAPP and
12 Title V are synonymous in Illinois, and we often use these
13 two terms interchangeably when referring to these permits.
14 I want to share with you what the United States EPA says
15 about Title V permits. "The purpose of Title V permits is
16 to reduce violations of air pollution laws and improve
17 enforcement of those laws."

18 Title V of the Clean Air Act achieves its
19 objectives first by requiring that each major source is
20 covered by a single permit that addresses all emission
21 units and activities at the source. Before Title V a
22 major source in Illinois could have several operating
23 permits each one addressing different units at the source.
24 Second, Clean Air Act permits must be comprehensive

1 addressing all applicable air pollution control
2 requirements. This will improve the awareness and
3 understanding of emission standards that apply to a source
4 and the various compliance procedures with these standards
5 that a source must carry out. Given the complexity of the
6 state and federal requirements for air pollution control,
7 it is widely accepted that a comprehensive permit will
8 facilitate compliance by a major source as that permit
9 summarizes and acts as a guide to the various requirements
10 that apply to a source.

11 This is certainly very important for the
12 general public, who may be unfamiliar with the rules that
13 apply to a source. A comprehensive permit is certainly
14 important for the various management and operating
15 personnel of the source, so that obligations are
16 understood and nothing is neglected or overlooked. A
17 comprehensive permit is also important for the staff of
18 the Illinois EPA, as it facilitates a thorough and
19 consistent approach in the various activities that we
20 undertake to verify and track compliance.

21 Third, Clean Air Act permits add to the
22 compliance checks put on a source, thereby providing
23 additional protection of our air quality. As such, the
24 public should generally endorse the issuance of these

1 permits especially for sources for which they have
2 concerns about emissions. Quite simply, air quality is
3 better protected if a major source is covered by a Clean
4 Air Act permit.

5 One compliance benefit of Clean Air Act
6 permits is gap filling. Clean Air Act permits can fill in
7 gaps in the recordkeeping and other compliance procedures
8 contained in existing rules requiring sources to carry out
9 additional procedures to show compliance with applicable
10 rules. This is particularly important for some of the
11 older air pollution control rules where emission control
12 requirements were adopted but the rulemaking did not
13 address or specify any associated compliance procedures.

14 The other major compliance benefit of the
15 Clean Act permit is additional reporting by a source
16 related to compliance. Effectively, Clean Air Act permits
17 make sources publicly accountable for their compliance
18 status. This is first accomplished by requiring a source
19 to promptly report all deviations from applicable
20 requirements. Depending on the nature and significance of
21 the deviation, reporting may be required immediately,
22 within 30 days, or in a regular quarterly or semi-annual
23 compliance report. Second, sources are held directly
24 accountable for their compliance status because on an

1 annual basis they must submit a compliance certification.
2 This requires a source to review its compliance status
3 during the previous year and formally report its findings
4 including a determination whether each emission unit was
5 in full compliance, intermittent compliance, or
6 noncompliance during the previous year.

7 Accordingly, we believe that issuance of
8 the Clean Air Act permit to the Waukegan power plant is a
9 good thing. The permit will help assure that the plant
10 fully complies with existing limits and other regulatory
11 requirements that restrict its emissions. This permit
12 will do this in a number of ways including summarizing the
13 various emission control requirements in a single
14 comprehensive permit, clarifying provisions of certain
15 rules, filling in certain gaps in rules, and requiring
16 additional reporting related to compliance. We are
17 certainly interested in any suggestions that you have to
18 improve the permit in this regard. However, it should be
19 understood that coal-fired power plants like this plant
20 are already some of the most closely monitored sources in
21 the state with continuous emission monitors already in
22 place for sulfur dioxide, nitrogen oxide, and opacity.

23 At the same time, the Clean Air Act permit
24 for this power plant is not a means to generally set new

1 requirements to control emissions from this source. We do
2 not have broad legal authority in Clean Air Act permits to
3 establish new requirements to further control emissions
4 from existing sources. Instead, the development of
5 control requirements for existing sources like this power
6 plant generally occurs with the adoption of new laws and
7 rules. This ensures that all sources in a particular
8 category are considered and treated fairly and that
9 overall environmental goals are efficiently achieved. For
10 coal-fired power plants, this big picture approach is very
11 important. This is because an individual power plant
12 generally has a small effect on air quality in the
13 immediate surroundings where it's located given the
14 emission control requirements that currently apply to
15 coal-fired power plants. However, the effect of a single
16 plant extends over a large area so that power plants as a
17 group do contribute significantly to background levels of
18 pollution throughout the state. In other words, to
19 effectively reduce the further impacts of coal-fired power
20 plants and air quality, many power plants must be
21 controlled beyond current levels, ideally on a regional or
22 national basis. This is what has occurred and should
23 continue to occur for coal-fired power plants in Illinois
24 separate from the Clean Air Act permit proposed for this

1 particular power plant.

2 In particular, in 1995, the national Acid
3 Rain program began requiring reductions in annual
4 emissions of sulphur dioxide and nitrogen oxides from
5 coal-fired power plants. In May of this year, a
6 state-based rule became effective requiring electrical
7 generating units to reduce emissions of nitrogen oxides
8 during the five-month long summer ozone season. This rule
9 is expected to reduce nitrogen oxide emissions from
10 affected units by about half. In 2004, next year, the
11 Regional Trading Program will begin requiring further
12 reductions of nitrogen oxide emissions of power plants
13 during summer months from over 20 eastern states including
14 Illinois. These regulatory programs have and will
15 continue to reduce the emissions of two key pollutants
16 emitted from existing coal-fired power plants, sulphur
17 dioxide and nitrogen oxides.

18 Additional reductions beyond these adopted
19 programs are also planned. At the national level,
20 President Bush with support from United States EPA is
21 recommending that Congress adopt a law called "Clear
22 Skies" to further control emissions of sulfur dioxide and
23 nitrogen oxides from coal-fired power plants and also
24 begin controlling emissions of mercury on a national

1 basis. The future level of power plant emissions under
2 the "Clear Skies" program and the form and schedule for
3 the reduction of emissions are subjects that are currently
4 being debated at the national level. At the state level,
5 the Illinois legislature has already adopted a law
6 requiring the Illinois EPA to evaluate further emission
7 reductions from power plants in Illinois. The Illinois
8 EPA must submit its report back to the legislature by
9 September of next year and then may proceed to propose
10 rules for further control of emissions consistent with our
11 findings. As with the national proposal for a "Clear
12 Skies" program, the Illinois EPA expects its report and
13 subsequent rulemaking to be the subject of much public
14 debate.

15 In this regard, when the next new program
16 is adopted to control emissions from existing power
17 plants, the Clean Air Act permit will again be one of the
18 tools that is used to assure that this source complies
19 with newly adopted requirements.

20 Also, as I know you are all aware,
21 coal-fired power plants are not the only source of
22 emissions. In particular, cars, trucks, and buses, still
23 represent the largest source sector for emissions of
24 nitrogen oxides and volatile organic material.

1 Manufacturing plants also contribute significantly to air
2 quality. Regulatory programs are in place and continue to
3 be developed to reduce the emissions from sources other
4 than power plants. These emission reductions also
5 contribute to the steady year-by-year improvements in air
6 quality in Illinois especially in urban areas.

7 As a final topic with respect to tonight's
8 hearing, we are here to provide you with what information
9 we can. More importantly, we are here to listen to your
10 comments and concerns. Your comments can, and often do,
11 affect the contents of permits. So please make your
12 comments known to us. Following consideration of your
13 comments, we will prepare a revised permit known as a
14 proposed permit, which will be sent to USEPA for its
15 review. It is very important for you to state your
16 concerns either at this hearing or in written comments so
17 that as possible and as legally allowed we can address
18 them in the proposed permit. When USEPA addresses the
19 proposed permit, USEPA will be interested in seeing your
20 comments and how we address them. This is only possible
21 if you state your comments either tonight on the hearing
22 record or, alternatively, send the comments to us in
23 writing prior to the close of the comment period. This is
24 also essential to establish your rights should you

1 eventually wish to object to the permit issued to this
2 plant.

3 This concludes my opening remarks, and I
4 would now like to turn the microphone over to John Cashman
5 to provide a brief description of the Waukegan power
6 plant.

7 MR. CASHMAN: Good evening, ladies and
8 gentlemen. My name is John Cashman. I'm an engineer with
9 the Illinois Environmental Protection Agency. My duties
10 include reviewing air pollution permit applications for
11 various types of stationary emission sources.

12 I would like to thank everybody for coming
13 here to express your interest in the draft Clean Air Act
14 permit that the Illinois EPA has prepared for Midwest
15 Generation's Waukegan Generation Station.

16 The Waukegan Generation Station is an
17 existing electric power plant. The principal emission
18 units are three coal-fired boilers. Emissions of the
19 boilers are controlled by a combination of operating
20 practices, boiler features, and add-on control equipment.
21 Midwest Generation complies with the requirements for
22 sulphur dioxide by burning low-sulfur coal. Nitrogen
23 oxide emissions are minimized by the burning system in the
24 boilers. Particulate matter emissions are controlled by

1 add-on electrostatic precipitators, which use electrical
2 attraction to remove dust from the exhaust.

3 The Waukegan Generation Station is required
4 to obtain a Clean Air Act permit because it's a major
5 source of emissions. The Clean Air Act specifies
6 applicable state and federal regulations that apply to the
7 plant including emission limitations, monitoring
8 requirements, and recordkeeping requirements. This
9 includes requirements for the new Regional Trading Program
10 that became effective in 2004.

11 One of the key requirements applying to
12 this plant is that Midwest Generation must operate and
13 maintain continuous emission monitors to measure the
14 nitrogen oxides and sulphur dioxide emission of the coal-
15 fired boilers and the opacity from the stacks. Midwest
16 Generation must operate these systems in accordance with
17 the protocols under the federal Acid Rain program. These
18 monitors provide very reliable information to verify
19 compliance with the control requirements for emissions.
20 Thank you.

21 HEARING OFFICER MATOESIAN: Thank you,
22 gentlemen. Now, we will turn to the public comments.

23 However, first I would like to enter a few
24 items into the record as exhibits. Exhibit 1 will be a

1 copy of the proposed Clean Air Act Permit Program permit.
2 Exhibit 2 will be a copy of the notice that was placed in
3 the Waukegan News Sun. And Exhibit 3 will be a copy of
4 the order form for that notice showing that the dates it
5 ran were July 3, July 10, and July 17, all of 2003.

6 (Documents marked as Exhibit
7 Nos. 1, 2, and 3, as of 8/19/03.)

8 HEARING OFFICER MATOESIAN: And now to the
9 public comments. The first person who's filled out a
10 registration form is Ms. Verena Owen.

11 MS. OWEN: Good evening. My name is Verena
12 Owen. I am with the Lake County Conservation Alliance,
13 and welcome to the representatives of the IEPA and to some
14 of you welcome back to Waukegan. And thank you so much
15 for having this hearing tonight.

16 This hearing is under very different
17 circumstances than the last one where we tried to convince
18 you not to issue a permit to the North Shore Sanitary
19 District sludge incinerator. As Mr. Romaine pointed out,
20 this is actually a hearing about something the public
21 wants. We do want an operating permit for this facility.
22 However, to be clear, we will not agree to anything that
23 is substandard.

24 And before I continue, I want to make

1 something perfectly clear; and I think other people will
2 talk about this as well. We don't want anyone, anyone, to
3 burn garbage, tires, or plastics down at the Waukegan
4 lakefront. And I don't care if this is tried under the
5 label of a recycling facility or a coal plant, the answer
6 is no; and we don't want to engage in another siting
7 lawsuit with you people either. Just take it out.

8 Main point, there is no doubt that this
9 facility directly impacts the health of the people in
10 Waukegan. The Waukegan plant and others like it were
11 exempted from stricter emission standards required of
12 newer power plants when the Title V program was
13 implemented as part of the amendment of the Clean Air Act
14 in 1990. Coal- fired power plants built before 1977, as
15 this one, are exempt from New Source Performance Standards
16 in regards to emissions of criteria pollutant, which is
17 NOx, SO2, PM, and others, as well as exempt from coal
18 transfer storage and processing gas storage and operation
19 of stationary turbine emission standards.

20 There was a study done by the Harvard
21 School of Public Health, which is usually referred to as
22 the Harvard Study. The Harvard Study concluded that the
23 health risks of particulate matter, sulfur dioxide, and
24 nitrogen dioxide not subject to the best available control

1 technology that would be required from newer coal-fired
2 power plants are generally greatest in the areas near the
3 plant. The study found that 37 percent of the estimated
4 health risks associated with nine plants were concentrated
5 on the 16 percent of the population that live in Cook and
6 Lake County and, most startlingly, that there would be
7 29 fewer premature deaths associated with emissions from
8 this Waukegan facility. The statistics clearly
9 demonstrate there would be adverse health impacts on the
10 population surrounding the Waukegan plant. This
11 disproportionate impact on Waukegan is significant because
12 the effects are focused on a community whose minority
13 population is markedly higher than that of Illinois and
14 Lake County.

15 Title VI of the Civil Rights Act of 1964 is
16 concerned on how the effect of programs, and that includes
17 the Title V program, and activities of recipients of
18 federal aid, like the IEPA, are distributed based on race,
19 color, and national origin. In light of this obligation
20 under Title VI, I am here tonight formally requesting IEPA
21 to identify the difference in health impacts between what
22 is allowed and what could be achieved by requiring BACT
23 before permitting and to incorporate this under the
24 permitting position.

1 And I think my five minutes are up. With
2 your permission, I would like to continue after everyone
3 has had a chance to speak.

4 HEARING OFFICER MATOESIAN: That's fine. Thank
5 you, Ms. Owen.

6 The next person I have listed is Mr. Robert
7 Brooks. Please state and spell your name for the record
8 for all people who speak.

9 MR. BROOKS: My name is Bob Brooks. I live at
10 1342 North Jackson Street. I am a member of the Society
11 of Automotive Engineers. I'm a journalist in that field,
12 although I write from time to time about power generation.

13 All I really have is a couple of questions.
14 Do I understand that you do not now have a reliable way of
15 measuring the emissions from this plant on a continuing
16 basis? Is this new permit necessary in order to do that?

17 MR. ROMAINE: No.

18 MR. BROOKS: Are you unable to measure the
19 emissions from this plant?

20 MR. ROMAINE: We do measure the emissions from
21 this plant.

22 MR. BROOKS: Then what does this do for us
23 besides what you are doing now to measure the emissions
24 from the plant?

1 MR. ROMAIN: As I explained, the permit does
2 clarify certain provisions of applicable rules. It puts
3 the applicable rules in a comprehensive permit so that a
4 member of the public, the plant, the IEPA personnel, can
5 use this permit as a guidebook to the applicable
6 regulations. It includes additional requirements for the
7 reporting of deviations. It requires an annual compliance
8 certification. There are a number of things that this
9 permit does that enhance the oversight that is placed on
10 the Waukegan power plant. It enhances the level of
11 scrutiny that is provided. It enhances the openness with
12 which this plant has to operate and report how it's
13 operated.

14 MR. BROOKS: That really doesn't answer my
15 question. Now, can you, do you now measure the emissions
16 from this plant on a regular basis?

17 MR. ROMAIN: As I said, we have said this plant
18 has continuous emission monitors for sulfur dioxide and
19 nitrogen oxide. It has an opacity monitor on the stack.

20 MR. BROOKS: And do you infer to us that you
21 need a thing like this in order to measure it more
22 accurately?

23 MR. ROMAIN: No.

24 MR. BROOKS: All right. Question number two is

1 that I came down here not really knowing what you were up
2 to in this situation. I'm very disappointed that there is
3 no discussion of various technologies that are available
4 that could be used because our primary interest is in
5 reducing emissions at the best possible, to the best
6 possible level at the least possible cost. I see -- Is
7 there anything in your presentation, you are not going to
8 discuss anything about technology, what can be done, how
9 does this compare with other plants? Is there nothing of
10 that kind that you wish to present us with tonight?

11 MR. ROMAIN: No. This is a permit for the
12 existing plant. The Illinois EPA is engaged in an overall
13 evaluation of additional control measures that could be
14 provided -- could be applied to power plants as a separate
15 activity unrelated to this individual permit.

16 MR. BROOKS: Okay. So you can measure this
17 plant now without any difficulty, right? And you have
18 nothing to present us about new technologies or how these
19 things might be improved, is that correct?

20 MR. ROMAIN: Not at this hearing, no.

21 MR. BROOKS: Well, all I can say is that I think
22 we learned just last week how much dysfunctionism there
23 is between industry and the regulatory agencies in the
24 electric generation field. I'm disgusted that we came

1 here and we learned nothing of any significance. You have
2 got a very long, detailed bureaucratic permit process that
3 does nothing for me. I'm sorry.

4 HEARING OFFICER MATOESIAN: Thank you,
5 Mr. Brooks.

6 The next speaker is Mr. Harold Rafson.

7 MR. RAFSON: My name is Harold Rafson. I'm an
8 environmental engineer. I'm from Highland Park, Illinois.
9 And I know that there are others here who are directing
10 their questions directly to the air permit and air permit
11 requirements, and my comments may not be directly
12 applicable to this. However, it relates to this air
13 permit; but it relates to the operation of the plant. And
14 within that operation there is discharge of heat into the
15 waters of the Great Lakes and Lake Michigan.

16 We have been experiencing high levels of
17 bacteria counts and beach closings for a period of time,
18 hundreds of closings, over the past couple of years. It
19 is an issue and it is an issue in which there is
20 investigations that are going on to try to understand
21 this. Here is a possibility that I think requires some
22 further exploration as to whether these emissions of heat,
23 not just in the air but in the water discharges, have a
24 negative impact upon the associated communities. Thank

1 you.

2 HEARING OFFICER MATOESIAN: Thank you,
3 Mr. Rafson.

4 MR. ROMAIN: I'm afraid that's also something
5 that we are not prepared to address tonight. And the
6 issue of thermal discharges to bodies of waters is
7 addressed through the water permitting program. There are
8 regulatory requirements that limit the temperature rise,
9 the amount of heat that can be released into public
10 waters.

11 HEARING OFFICER MATOESIAN: Thank you. The next
12 speaker I have listed is Mr. Bruce Nilles.

13 MR. NILLES: Good evening. My name is Bruce
14 Nilles. I'm here tonight on behalf of the Sierra Club, a
15 national organization with over 700,000 members around the
16 United States. There are 27,000 members here in Illinois
17 that call this great state home.

18 I very much appreciate the chance to
19 comment on the proposed permit for the Waukegan power
20 plant and urge you to sort of step back and recognize the
21 significance of what you are doing here tonight. Over the
22 last three decades since we started implementing
23 environmental laws and cleaning up our clean air and clean
24 water, we have made tremendous progress. Lots of

1 industry, lots of residents, lots of citizens, have done
2 their fair share. What we are here about tonight is the
3 unfinished business. The fact that there is one segment
4 of our industrial society that has never done their fair
5 share, that has managed to get exemption after exemption
6 after exemption, and today is still operating the same way
7 they operated back in 1952, and that is coal-fired power
8 plants.

9 We look at what we have here with the
10 Waukegan facility. We have three giant boilers, one built
11 in 1952, '58, and 1962. We have effectively no controls
12 whatsoever for the most dangerous emissions that come out
13 of there. There are no mercury controls whatsoever
14 despite the fact that it is the third largest source of
15 mercury in the state. There are no SO2 controls, no
16 controls of the chemicals that cause acid rain around the
17 northern part of the United States and into Canada. And
18 the nitrogen oxide controls that you mentioned earlier on
19 are only intermittent. They only operate them for four or
20 five months out of the year. We know that there are
21 substantial public health benefits available if you would
22 require them to reduce the nitrous oxide emissions
23 year-round. And last, there is four giant diesel
24 generators. They have no pollution control technology on

1 them whatsoever.

2 So why do we care? Why do we care about
3 the fact that they are operating without any basic
4 control? Well, power plants are the largest source of air
5 pollution in the state. As I mentioned, this is the third
6 largest source of mercury. Somewhere around 500 pounds of
7 mercury a year come out of these emissions, out of their
8 stacks. It takes 1/70, one slash seventy, teaspoon of
9 mercury to pollute a 25-acre lake. 500 pounds of mercury
10 does a tremendous amount of damage. And today we have
11 statewide advisory against eating the fish. Why? Because
12 of facilities like this that are operating without any
13 mercury controls whatsoever.

14 We also know that there is a significant
15 source of soot and smog pollution. As Verena Owen
16 mentioned, the Harvard Study shows that dozens of people
17 are dying every year because of this facility. And there
18 are hundreds of asthma attacks more frequent, more
19 serious, because of this facility. And we know, also as
20 Verena Owen mentioned, that these impacts are
21 disproportionate. The impacts disproportionately affect
22 those who fish, particularly subsistence fishers, people
23 who live along the lake. And we have some very
24 significant questions about who lives around these power

1 plants and urge you before you issue this permit to
2 determine are there disproportionate impacts occurring
3 because of this power plant; and if there are, you are
4 fully within your authority to deny this permit.

5 So here we have a power plant not doing its
6 fair share. All of us have to get our cars smog checked.
7 We as residents are doing our fair share. This facility
8 is simply failing to do what it should be doing and is yet
9 to be required to do. The bottom line is we can do so
10 much better. This is not a question of we don't have the
11 technology. We know that with energy efficiency and clean
12 renewable sources of power we could shut down this plant
13 tomorrow. They are building a brand-new gas-fired power
14 plant in Chicago hundreds of times cleaner. They are
15 building a wind farm in Bloomington, no pollution
16 whatsoever.

17 We know there is going to be no leadership
18 at the national level. Chris Romaine, I thought you were
19 very kind to describe what the Bush administration is
20 doing. They are not in "Clear Skies" imposing additional
21 pollution reductions, they are, in fact, weakening
22 existing law. Under existing law today, Midwest
23 Generation will have to reduce its mercury emissions by
24 90 percent by 2007, four years from now. That's existing

1 law. Under Bush's proposal, they would be allowed to
2 pollute three times as much for even longer. So it is, in
3 fact, a rollback what is going on at the national level.
4 They are also rolling back the clean-up requirements for
5 these old coal-fired power plants. They also roll back
6 energy efficiency standards for air conditioners, which is
7 one of our peak demand needs in the summertime, so we have
8 to have more coal burning. So we are not going to get any
9 leadership at the national level, which is why your work
10 is also very important.

11 At the state level, we have the
12 Governor ordering IEPA to issue power plant clean-up
13 rules. You can issue the first part of that, the report,
14 as early as next month. I urge you to not wait until the
15 last minute. We have been waiting since 1977 to clean up
16 these coal-fired power plants. You don't have to wait
17 until next year to take the first step. You can do it
18 this year.

19 Secondly, you can enforce existing law. On
20 Valentine's Day this year Midwest Generation received from
21 the U.S. Environmental Protection Agency, the first step
22 announcing an investigation into their past practices.
23 The fact that there are allegations or concerns,
24 violations, by Midwest Generation of expanding their

1 facility without engaging in appropriate pollution control
2 requirements, that is an ongoing investigation. If it
3 turns out that that investigation finds a bunch of
4 violations, as they have with basically every other power
5 utility in the nation that they have investigated so far,
6 this facility would be required to clean up substantially.

7 So the other reason we urge you to hold
8 this permit without issuing it is finish that
9 investigation. That investigation began in February,
10 eight months ago, six months ago. Finish that
11 investigation, put your resources into finding out have
12 there been violations of the law, are they a scofflaw that
13 shouldn't be getting a permit in the first instance before
14 you issue them this operating permit.

15 So I guess in closing, we are urging you to
16 deny the permit for now until the health assessment is
17 done as to who lives around this plant and who is being
18 impacted the greatest; and secondly, not being issued a
19 permit as long as the ongoing investigation into the past
20 practices is outstanding. Thank you.

21 MR. ROMAINE: I just want to comment on the last
22 point. We are certainly aware that USEPA is investigating
23 the status of a number of coal-fired power plants
24 including the plants operated by Midwest Generation. Not

1 only has Midwest Generation received initial inquiry for
2 information, but I think it was mentioned at another
3 hearing that Commonwealth Edison has also received an
4 inquiry for information.

5 Given the transfer in ownership and the age
6 of these plants and history of these plants, it's quite
7 possible that this investigation will take some time until
8 it's finally reached its conclusion. One of the good
9 things about a Title V permit is that we can issue the
10 permit in due course. And if there are findings that
11 require these plants to install further controls pursuant
12 to those actions, we can then reopen the permits and
13 revise them to include those requirements. We don't have
14 to wait until USEPA completes its evaluation until we can
15 take action on this permit.

16 HEARING OFFICER MATOESIAN: Thank you. Thank
17 you, Mr. Nilles.

18 The next speaker I have is Ms. Laurel
19 O'Sullivan.

20 MS. O'SULLIVAN: Good evening. My name is
21 Laurel O'Sullivan, the staff counsel for the Lake Michigan
22 Federation. And I'm here tonight to express serious
23 concerns about the permit as it's written now and the
24 continuing impact that it would have on the lake and the

1 surrounding community. Although the permit acknowledges
2 that this is a major source of hazardous air pollutants,
3 the permit does nothing to limit the nearly 800 pounds of
4 mercury that would be emitted -- that are emitted from
5 this facility. And just as a point of comparison, that is
6 nearly eight times the level that would have been
7 permitted from the North Shore Sanitary District's
8 proposed sewage sludge incinerator that so many community
9 members fought against.

10 Like the Fisk and Crawford plants in
11 Chicago, this facility is located in a densely populated
12 area. Remarkably, however, this plant is allowed to keep
13 operating even in the case of equipment failure.
14 Provision 7.1.3, which addresses equipment failure, needs
15 to be tightened considerably to protect human health and
16 safety.

17 It's a fact that existing federal
18 regulations are insufficient in light of what we now know
19 about the devastating neurological and developmental
20 impacts which mercury can have on the unborn children of
21 mothers who consume contaminated fish. The CDC estimated
22 last year that nearly 20,000 children are born each year
23 in this country with some type of neurological or
24 developmental deficiency as a result of being born to

1 mothers who consume contaminated mercury, contaminated
2 fish.

3 Another provision of the permit, which is
4 particularly troubling, is provision 7.1.11, operational
5 flexibility. This provision should absolutely be removed.
6 It allows for firing alternative fuels such as used oil,
7 boiler cleaning residues, or other wastes. Burning
8 unknown fuel types and inconsistent fuel mixes can result
9 in increased emissions of HAPS including mercury.
10 Considering that the permit as it's written now includes
11 absolutely no limits on HAPS, nor are there any monitoring
12 or measurement requirements in the permit, we ask that
13 this provision be removed.

14 The federal loophole that has allowed these
15 plants to go unregulated must be controlled, and that's a
16 debate that's going on at the national level; but the IEPA
17 has the ability to lead the way. These permits expired
18 nearly eight years ago. And in the meantime, the lake,
19 and all of the Great Lakes for that matter, have continued
20 to be contaminated by mercury. Within the last year
21 alone, the IDNR issued a fish consumption advisory for
22 Lake Michigan for the first time. This is a reflection of
23 how seriously degraded our lakes have become.

24 Here is what we do know, that over 3,000

1 pounds of mercury are deposited into Lake Michigan each
2 year. 86 percent of that comes from air deposition and
3 30 percent of that, according to the USEPA Mass Balance
4 Study, has been traced to local area sources along -- in
5 Chicago.

6 We also know that recently published
7 scientific studies shows that mercury controls can have an
8 impact on fish tissue levels. A study was taken in the
9 upper Midwest that tracked fish tissue levels over five
10 years, and it demonstrated a 5 percent reduction in those
11 mercury levels in that fish tissue as a result of mercury
12 controls.

13 As our knowledge and awareness of inherent
14 risks by mercury increases, so have the efforts of other
15 states to address the problem. Wisconsin, our neighbor to
16 the north, just passed a mercury emission reduction rule
17 that will cap mercury emissions from major utilities and
18 require an 80 percent reduction from baseline levels by
19 the year 2015.

20 Illinois has touted itself as taking a
21 leadership role on mercury. Over a year ago, the IEPA
22 rolled out its mercury initiative and pledged to work to
23 limit mercury from airborne sources. These Title V
24 permits provide the perfect opportunity for the Agency to

1 put this resolve to the test. Under state law, IEPA has
2 the authority to go one step further than just investigate
3 and evaluate. Under 415 ILCS Section 39.5, subsection 19,
4 IEPA has given itself the authority to develop mercury
5 standards in the event that federal legislative efforts
6 are delayed, which is a very real likelihood.

7 We urge the IEPA tonight to exercise its
8 authority and limit mercury emissions now from this
9 facility and every other facility in the state. The
10 cumulative impact of such a reduction would result in
11 significant environmental benefits. We can and should do
12 better than this permit as it's written out. Thank you.

13 HEARING OFFICER MATOESIAN: Thank you,
14 Ms. O'Sullivan.

15 The next speaker I have is Ms. Susan
16 Zingle.

17 MS. ZINGLE: Good evening. My name is Susan
18 Zingle. I am neither as knowledgeable on these permits or
19 as articulate as some of the prior speakers, but I can
20 give you a lay person's perspective of what I saw as I go
21 through this permit. I was also struck first and foremost
22 by the alternative fuels and the ability of this plant to
23 burn almost anything it wants.

24 For the benefit of people in this audience

1 that may not have seen this, I obtained a copy of the
2 operational flexibility requested from the application.
3 They would like to burn nonchlorinated plastics, petroleum
4 coke, refuse-derived fuel firing, tire-derived fuel,
5 partial natural gas -- which would actually be an
6 improvement -- nonchlorinated plastics, distillate oil,
7 waste oil from turbine oil, lubricating oil, residual oil,
8 diesel oil, transformer oil, oil-contaminated soil,
9 oil-contaminated rags, oil booms, oily waste water,
10 grease, oil runoff, waste antifreeze, demineralizer resin,
11 boiler cleaning waste, paper and paper product, wood
12 chips, oil or slag, high-carbon bottom ash and fly ash.
13 Yuck.

14 One of the issues we had here a few weeks
15 ago, a few months ago, was that the North Shore Sanitary
16 District was looking to close its landfill because their
17 fly ash source dried up. May I suggest that this company
18 rather than burning their fly ash could, in fact, provide
19 it even for free to the North Shore Sanitary District and
20 eliminate two of our problems at once.

21 I also notice that, in this application at
22 least, they specified some limits on how much waste they
23 would burn, that you conveniently removed for them in the
24 permit even without their request. But in this

1 application, for example, on Unit 6, they talked about
2 85 percent coal firing and 15 percent petroleum coke. How
3 were the 85 and the 15 percent measured? Is that by
4 weight, by Btu, by the time the boiler was running? What,
5 in fact, criteria does that mean?

6 In your earlier comments, you mentioned
7 that the sulfur is limited in that they were required to
8 burn low-sulfur coal. I saw no such requirements when I
9 read this permit. Can you tell me where that is?

10 I will continue.

11 MR. ROMAIN: That's found in condition
12 7.1.4(c), which limits the SO₂ emissions from the boiler
13 to no more than 1.8 pounds per million Btu SO₂.
14 Effectively, that requires burning low-sulfur coal or
15 using a scrubber to control coal. That is not a limit
16 that you can meet simply burning local Illinois coal.

17 MS. ZINGLE: Thank you.

18 Within some of the other standards that
19 were sent for this, I was struck by the fact that there
20 are no SCRs, that some of the other techniques that we
21 have even seen used on the peakers that burn natural gas
22 for the most part aren't implied here. If, in fact, we
23 are going to be burning plastics and some of these other
24 fuels, are you not concerned about dioxin and perhaps have

1 controls or limits on burning temperature and some of the
2 controls that would limit some of the more hazardous
3 things that come from this?

4 MR. ROMAIN: Yes. We do have that concern.
5 That's why the fuel streams that were addressed by the
6 permit do not allow for burning chlorinated plastics.
7 Dioxin is a chlorinated compound. To form dioxin, you
8 need chlorine.

9 MS. ZINGLE: I wasn't going to use this as a
10 political forum but, in fact, you mentioned "Clear Skies;"
11 and I will add my opposition to those more sophisticated
12 comments that have already been made.

13 MR. ROMAIN: I would certainly recommend that
14 any people that have opposition to "Clear Skies" or
15 suggest that it isn't strong enough send those comments to
16 their local legislature, the national legislatures.

17 MS. ZINGLE: Thank you. I will.

18 I also do notice that you mentioned in your
19 upfront comments, and actually it almost made me laugh,
20 that on page 3 that the power plants as a group do
21 contribute to background levels of pollution throughout
22 the state, which is exactly the comments we were making on
23 the peakers, that, in fact, you were permitting peakers
24 throughout this state in addition to the coal-fired

1 plants. At the time part of the argument for all the
2 peakers was that these natural gas-fired plants were going
3 to compete with the coal-fired plants and, in fact,
4 overall reduce the levels of pollution in the state. Have
5 you seen any of that occur?

6 MR. ROMAIN: The effect of the peakers on
7 overall emissions has been so small it's difficult to
8 identify anything of that sort. What would be more
9 obvious is that there are overall trends where the
10 emissions of coal-fired power plants are going down.
11 Certainly the most notable reduction is the conversion of
12 Baldwin power plant down south from a -- I would say a
13 moderate low-sulfur coal to a very low-sulfur coal that
14 has eliminated roughly 200,000 tons per year of emissions.

15 There have also been various improvements
16 in NOx emissions that have reduced NOx emissions in the
17 last four or five years by over 60 percent. As I said,
18 there are more reductions coming. In terms of a comment
19 that Bruce made, that it's certainly correct that some of
20 the control measures that have been used for NOx are
21 intermittent. One of things that certainly we'll be
22 considering as part of our report to evaluate further
23 controls is to require that intermittent controls be used
24 on an annual basis. Some of the measures that have been

1 implemented that involve combustion practices inherently
2 have to be used year-round, so they aren't intermittent.

3 So there are substantial reductions that
4 have been occurring over the recent years. Whether they
5 are directly linked to the natural gas peaker plants, I
6 couldn't say that.

7 MS. ZINGLE: Well, I think I can. And I think
8 we know that the answer is that they are not, but that's
9 okay.

10 As I go through the permit, things I
11 noticed on page 6, under section 3.0, Insignificant
12 Activities, that storage tanks of any size containing
13 virgin or re-refined distillate oil and so forth and so on
14 are considered insignificant. I would suggest that either
15 the number and/or the size of the tanks need to be
16 controlled or that could be an activity that it would no
17 longer be insignificant by any standard.

18 On page 9, I was struck by the absence of
19 significant controls on the emissions units at the source.
20 No SCR, no mercury capture. I would reiterate the things
21 that have been said better by Ms. O'Sullivan and
22 Mr. Nilles.

23 It's hard to find all the comments. On
24 page 14, a small one but one that may not be unimportant,

1 5.7 under General Reporting Requirements, I notice that,
2 in fact, the reports are allowed to be submitted on a
3 calendar year. On some of the early permits that we saw
4 in the peaker plants, it was, in fact, a rolling 12 month.
5 And it has -- A rolling 12 month I believe is actually a
6 somewhat stricter standard. If, in fact, they would have
7 a serious problem with one month, they would have to
8 continue to monitor that longer than just hold their
9 breath till the end of the year and hope they make it
10 through December with no further incidents. And I would
11 suggest that absent a significant reason why, the Agency
12 return to a rolling 12-month period both for the coal
13 plants and for the peakers.

14 There was nothing in here about the format
15 of the reports. I had occasion to read the reports for
16 the Reliant facility in Aurora, and I could not determine
17 from what they submitted how much pollution had actually
18 been emitted nor which turbines worked at what frequency
19 and how it all came together. The stack of papers I got
20 was about six inches high, copied on both sides, from your
21 Agency. A facility of this size with this number of
22 burners and this number of pollutants will generate even
23 more paper. Part of the purpose, my understanding is, of
24 the Title V is that these can be enforced by the public;

1 but they cannot meaningfully be enforced by the public if
2 we can't read the reports and determine what is, in fact,
3 being emitted.

4 I'm sorry. I wrote my comments right on
5 the report so bear with me here. Really small comment,
6 just to prove to you I did read this, on page 28,
7 paragraph 7.1.1, I believe principal is spelled "a-l."

8 And then on page 29, startup on the coal
9 plants compared to the peakers is a big deal. Startup can
10 run for 20 hours. I will ask the question I always ask.
11 Are the emissions from startup included in the limitations
12 of the total emissions from this plant? I always ask
13 because I don't always get the same answer.

14 MR. ROMAIN: You won't get the same answer.
15 This is an existing plant. There aren't limitations that
16 restrict the annual emissions of this plant. The point
17 that was made by Laurel that there are no limits on
18 mercury emissions, that's part of the reason that there is
19 only a requirement for annual reporting of HAP emissions
20 because there isn't an annual limit that you have to keep
21 very close track of.

22 MS. ZINGLE: But they are, obviously, not trying
23 to be a false minor, for which I'm happy. But in their
24 reporting, would the emissions that occurred during

1 startup be included in the total that they report?

2 MR. ROMAIN: They should be included, yes.

3 MS. ZINGLE: Is there ever any limit on how long
4 the startup can be at some point where startup is just so
5 hideous that there are separate emission limits for
6 startup, or do you limit the number of startups in a year?
7 Or it takes them so long to do it, I would be surprised
8 that they do it often.

9 MR. ROMAIN: If a startup extends longer than
10 the period allowed, that would be a direct violation of
11 the provisions of the permit. Even if a startup lasts
12 slightly longer or shorter than that period of time, that
13 would still be a reason for concern. Quite simply, the
14 difficulty with coal-fired power plants of this type is
15 that the electrostatic precipitator cannot be energized
16 and fully functional when the boiler starts operation.

17 Because of that, there needs to be a
18 carefully crafted startup scenario with very low levels of
19 operation using alternative supplemental fuels until a
20 point is reached at some very low level of load when the
21 ESP can be energized and full-scale burning of coal can be
22 started.

23 What that means is that when you have
24 limitations that are expressed on a rate basis in terms of

1 pounds per million Btu or opacity there can be exceedances
2 during startup. That doesn't necessarily mean that the
3 mass of emissions would be greater during startup because
4 the boiler is operating in a fairly low load and a lot of
5 that initial period of startup with alternate startup
6 fuels.

7 MS. ZINGLE: Okay. On page 54, it talks a lot
8 about compliance for the different standards and how it
9 will determine. I would like to add that it does not
10 limit evidence about compliance or noncompliance simply to
11 those standards, that, in fact, anything we find could be
12 used to discuss whether or not these plants -- And is the
13 credible evidence exception in here somewhere and I missed
14 it?

15 MR. ROMAIN: That is correct. We can state
16 that again. Condition 9.1.3 is intended to make it
17 absolutely clear that even though there may be specific
18 procedures specified in the permit for determining
19 compliance with particular emissions limitations that
20 other credible evidence can also be used to demonstrate
21 either compliance or noncompliance with these limitations.
22 These specified compliance procedures are by no means the
23 only things that can be used.

24 MS. ZINGLE: And then on page 55 it talks about

1 the coal-handling equipment. Given the complexity of the
2 operations here --

3 And by the way, I am not monitoring my
4 time. If you need to cut me off, please do so.

5 Given the complexity of the operation, I
6 was a little bit surprised by the very general and
7 somewhat superficial nature of these standards. It talks
8 about emissions associated with these operations are
9 controlled by various measures including the moisture
10 content of the coal, application of dust suppressant, so
11 forth and so on. It neither requires any of those nor
12 does it set standards for their application. And I was
13 wondering if in total by the time you crush coal, I
14 suspect you make a lot of dust, and what specific
15 standards do apply to these ancillary coal-handling
16 facilities.

17 MR. ROMAIN: The standards that apply to them
18 are an opacity standard and a nuisance standard.
19 Historically, the handling of coal at power plants has not
20 been a source of nuisance, dust, or significant dust. The
21 key I guess component in terms of your point about
22 crushing is the final crushing of the coal or the
23 pulverizing of the coal to prepare it for use in the
24 boilers is done just before the coal enters the boilers,

1 so that there is not a separate emission point of coal
2 dust from the pulverizing or crushing operations other
3 than the boilers.

4 The crushers --

5 MR. CASHMAN: They are handled in 7.3.

6 MR. ROMAINE: -- that we are talking about in
7 7.3, sort of a primary crusher to prepare it for storage
8 and ease of handling, it is not the final crushing step.
9 It's sort of, in terms of the terminology, it would be
10 called a primary-type crushing versus secondary-type
11 crushing.

12 MS. ZINGLE: But it still doesn't completely
13 answer my question. You mentioned methods of control but
14 don't specify that they must be used or any standards for
15 their use. Moisture must be X percent of the total or
16 X number of gallons of water per ton of coal, but there is
17 no -- They could essentially do nothing and it would be
18 fine.

19 MR. CASHMAN: Look at condition 7.26, page 57.

20 MR. ROMAINE: I guess I would agree. That's a
21 performance-based standard. And depending on the quality
22 of the control, how much natural moisture is present, what
23 wind conditions are, very little may be necessary to
24 maintain it without dusting; or if it's poor-quality coal

1 with a lot of fines associated, more will be required. So
2 rather than specify specific measures of certain levels of
3 moisture the permit takes the approach saying enough has
4 to be done to keep dust from coal handling under control.

5 MS. ZINGLE: Okay. Thank you.

6 On page 56, it does talk about operation --
7 proof that continued operation is required to provide
8 essential service, to prevent risk of injury to personnel
9 or severe damage to equipment, talking about running
10 during malfunction. Please define "essential service" and
11 who is the person that decides that. Given the amount of
12 electric generation in Illinois, I suspect that no one
13 plant is any longer essential.

14 MR. ROMAIN: The way the permit is structured,
15 the source would have to make an initial determination
16 who's providing this essential service. Its determination
17 would be subject to review and potentially being
18 overturned by the Illinois EPA.

19 In terms of the issue of providing
20 essential service, I agree. I think it's more of an issue
21 of a smooth transition when a power plant malfunctions and
22 cannot be repaired in a prompt manner. There are certain
23 other facilities now that are available with the peaking
24 plants that can take over for the power plant. So this is

1 certainly not a provision that would allow a power plant
2 to operate for even a day in my perspective given the
3 nature of the power resources we currently have.

4 MS. ZINGLE: But I will repeat, I still don't
5 see a definition of essential service. I don't want to
6 cause a situation like they had out east this past week
7 just because we want to keep a plant running; but our air
8 quality is bad enough, I don't want a plant that's not
9 running to optimum standards to continue.

10 MR. ROMAIN: At this stage, I think for this
11 permit, these permits are subject to a five-year duration.
12 We have not attempted to define the term essential
13 service. It's not something that's defined in the Board's
14 rules. We would like to see how Midwest Generation
15 performs. If they do not take advantage of this, then we
16 are doing fine. If, in fact, we find out that they do
17 misapply that term, have extended periods of malfunction
18 or breakdown, if we end up in enforcement action, calling
19 on the services of Matt Dunn to pursue this matter, we
20 will then come up with a much tighter definition of
21 essential service that will eliminate some of the, I
22 guess, security that we have now for the general public in
23 terms of providing power that's provided by the approach
24 that we currently have.

1 MS. ZINGLE: Okay. Thank you. I would like, if
2 it's possible, for my comments to the extent that they
3 apply to the situations with the other Title Vs at the
4 other coal plants to be included in the public record for
5 those as well. I suspect if Midwest Gen is burning
6 alternate fuels here, they are doing it in all their
7 plants.

8 I would also like a historical question.
9 How much of the alternative fuels have they burnt here the
10 last year and which fuels were they?

11 MR. ROMAIN: My understanding is that Midwest
12 Generation has not burned alternative fuels at Waukegan.

13 MS. ZINGLE: So taking that out should prove no
14 hardship.

15 MR. ROMAIN: I will let you characterize it as
16 you wish.

17 MS. ZINGLE: Thank you.

18 HEARING OFFICER MATOESIAN: Thank you,
19 Ms. Zingle.

20 Next I have Mr. Matthew Dunn.

21 MR. DUNN: Good evening. Thank you. Matthew
22 Dunn, Assistant Attorney General on behalf of Attorney
23 General Lisa Madigan, comments on behalf of the State of
24 Illinois.

1 Thank you, Mr. Hearing Officer,
2 Mr. Romaine, Mr. Cashman. It's good to see you again
3 tonight. And I, too, would like to commend you for being
4 here in Waukegan, as you have been around the State and
5 continue your travels I know through this week and into
6 next, as you take comments from the many corners of
7 Illinois on many Title V coal power plant permits that you
8 are currently considering.

9 The Illinois Constitution does guarantee to
10 all citizens the right to a healthful environment. This
11 is as fundamental as the doctrine, the document, that
12 creates Illinois that we have that right. The
13 Environmental Protection Act provides "It is the purpose
14 of the Act ... to restore, protect and enhance the quality
15 of the environment, and to assure that adverse effects
16 upon the environment are fully considered and borne by
17 those who cause them." Section 2(b), Environmental
18 Protection Act.

19 The Clean Air Act Program found at
20 section 39.5, in subsection 5, sets forth the applicant --
21 the requirements an applicant must meet in its Clean Air
22 Act permit application. It provides that the applicant
23 must provide all information sufficient to evaluate the
24 subject's source in its application and "to determine all

1 applicable requirements," pursuant to the Clean Air Act,
2 regulations under the Clean Air Act, Illinois
3 Environmental Protection Act, regulations under the
4 Illinois Environmental Protection Act.

5 Further, the applicant must submit with its
6 application a compliance plan including a schedule of
7 compliance describing how each emission unit will comply
8 with all applicable requirements. We most strongly urge
9 IEPA to ensure that this and all applicants for Title V
10 permits fully comply with these application requirements.
11 The applicant must fully establish what emission limits
12 apply to the site. The draft permit in this matter
13 determines that this site is an existing source under
14 Illinois Pollution Control Board regulations having been
15 constructed or modified before April 14, 1972. These
16 regulations are the least stringent emission limits that
17 the Illinois Pollution Control Board has available to this
18 site.

19 To make this determination requires full
20 disclosure by this applicant and by all applicants and
21 review by IEPA of whether this site has ever been modified
22 pursuant to the Illinois Pollution Control Board
23 definition since April 14, 1972. If this site has been
24 modified since that date, it is a new source and a permit

1 must contain those tougher requirements applicable to new
2 sources.

3 Determining what regulations a site must
4 meet is a fundamental first step of the permitting
5 process. Additionally for New Source Review
6 determinations, equally important is the need that the
7 applicant fully disclose all modifications to the facility
8 since August 17, 1971, to allow IEPA to make a New Source
9 Review determination.

10 Determination of New Source Review again
11 triggers more stringent requirements for this plant.
12 These would be the emission limits most protected by the
13 environment and human health. With so many tons of annual
14 emissions at stake, the applicant, this applicant, and all
15 applicants must be required to fully disclose all relevant
16 information regarding site modifications to the IEPA for
17 its consideration.

18 Lastly, 35 Illinois Administrative Code,
19 201.141 titled Prohibition of Air Pollution, provides "No
20 person shall cause or threaten or allow the discharge or
21 emission of any contaminant to the environment in any
22 state so as either alone or in combination with
23 contaminants from other sources to cause or tend to cause
24 air pollution in Illinois."

1 There can be no doubt that this site does
2 in combination with contaminants from other sources cause
3 or tend to cause air pollution in Illinois. The Illinois
4 EPA should review the effects of these emissions on the
5 environment and public health in light of the numerous
6 health studies and personal accounts being presented
7 tonight regarding the human toll that air pollution
8 causes. This site is a significant contributor of
9 contaminants in the third largest metropolitan regional
10 area of the United States. It must be fully reviewed,
11 properly controlled, to protect the public health and the
12 environment.

13 Appreciate the opportunity to address you
14 tonight and for your diligent work as you review the
15 comments you are receiving throughout the State as you
16 move forward on your important work. We would be
17 intending to file a formal written comment by the close of
18 your comment period.

19 On behalf of Attorney General Madigan, we
20 appreciate your attention this evening. Thank you.

21 HEARING OFFICER MATOESIAN: Thank you, Mr. Dunn.

22 I would also like to note that there are
23 several officials from Midwest Generation available to
24 answer any questions you have.

1 MR. PROCE: Yes. Rob Proce, 1534 West Monroe
2 Street in Waukegan.

3 Earlier, Mr. Romaine, you said that Midwest
4 Generation's emissions are monitored by the IEPA. And I
5 think everyone here would have to agree with me, I would
6 like to see every month the emission data posted on the
7 Internet or the New Sun or other local publications so
8 people can see what they are doing. I'm sure it wouldn't
9 take up that much space. And it would be the other
10 publications because some people don't just have Internet
11 access and that would be also for other power generation
12 stations throughout the state. I think that would be
13 informative. Because, you know, we always hear about, you
14 know -- Well, the emissions are being monitored but no
15 one ever really sees or you have to go someplace and get
16 it or write or call or whatever. I think if it was more
17 easily accessible I think people would want to complain
18 about it more or say, hey, they are not doing too bad,
19 but -- So that's what I wanted to say.

20 MR. ROMAINE: The USEPA does post the monitored
21 emission data for SO2 and NOx on an Internet site on a
22 quarterly basis. It runs a little bit behind but that
23 data is publicly available.

24 MR. PROCE: How far behind is it, and why is it

1 behind?

2 MR. ROMAIN: At this point the data for the
3 first quarter of 2003 is available. The last time I
4 looked, the data for the second quarter wasn't on yet. I
5 am not sure how long it takes USEPA to review and compile
6 that data. My experience, it takes maybe four or five
7 months; but it gets on pretty quickly for that sort of
8 posting of data.

9 MR. PROCE: What about for people who do not
10 have access to the Internet like some elderly people and
11 some people who just don't want to be connected? Can it
12 be posted in a newspaper to supplement like once a month
13 or something like that? Or maybe every other month. Can
14 you require power plants to do that?

15 MR. ROMAIN: We certainly would have that
16 authority. We will take your comment into consideration.
17 In general, we think it's much more effective to make data
18 available on a known site where people can go to it at
19 their leisure to get that data. One of the things that
20 the Illinois EPA is working on is developing a
21 comprehensive Internet site of our own that would give
22 compliance data for sources in Illinois addressing both
23 air emissions and water discharges and waste-related
24 compliance.

1 So we are gradually trying to get to that
2 point. I'm not very optimistic, however, of people
3 thinking it would be a productive exercise to simply post
4 data in a newspaper and hope that the interested people
5 happen to see it.

6 MR. PROCE: All right. Thank you, Mr. Romaine.

7 HEARING OFFICER MATOESIAN: Thank you,
8 Mr. Proce.

9 MR. MC CLUSKEY: Good evening. My name is
10 Fred McCluskey, Vice President of Technical Services for
11 Midwest Generation.

12 I appreciate the members of the Illinois
13 EPA coordinating and sponsoring this meeting this evening.
14 I think this is a worthwhile process. I appreciate
15 members of the community coming out and participating in
16 this event this evening. We at Midwest Generation
17 appreciate your comments and your concerns. As has been
18 evidenced by much of the discussion this evening, I think
19 everyone understands that the Title V process is meant to
20 consolidate a whole host of various requirements.

21 That consolidation adds to, doesn't
22 subtract from, basic regulatory requirements that we are
23 required to meet. It's been characterized this evening
24 that the compliance requirements for coal-fired power

1 plants haven't changed in 30 years when, in fact, they
2 have changed dramatically. Requirements for sulfur
3 emissions, NOx emissions, have changed considerably. Even
4 in the last year as evidenced by Chris Romaine's earlier
5 comments, the requirements here in Illinois for NOx
6 emissions have been tightened significantly.

7 Over the course of the last three years,
8 since Midwest Generation took over ownership of the
9 Waukegan facility, we have reduced NOx emissions by
10 30 percent and SOx emissions by 40 percent. For an
11 organization that has been alleged to have done nothing,
12 we have done a significant amount.

13 Over the broader state, we have invested
14 more than \$240 million in reducing NOx emissions from all
15 of our facilities by over 40 percent in the last three
16 years.

17 We are prepared to do better. We look
18 forward to the broader federal legislation that will
19 encourage and mandate tighter requirements on all sources,
20 not just coal sources. But I think our track record and
21 the work we have done here at Waukegan speaks for itself.
22 We are committed to operating the plants in full
23 compliance with the regulations, and we are committed to
24 continue to clean the plants in the future.

1 We understand on a broader basis that power
2 generation has an impact on the environment. If you look
3 at our record on a global basis, we have a very well-
4 balanced portfolio that's representative of the gas
5 technologies, coal technologies, and the wind
6 technologies. And we continue to look for ways to invest
7 not just in clean technologies at our coal plants but with
8 clean technologies elsewhere in the state of Illinois.

9 But it is, as evidenced by the events over
10 the last week, a very, very difficult environment for all
11 of the electric utilities and all of the independent power
12 producers in the United States. As characterized at the
13 Crawford meeting, it's very much an industry in transition
14 and we all struggle with that.

15 If you look to the last 30 years and the
16 efforts that the industry has made to continue to improve
17 air quality, there has been a tremendous amount of
18 improvement. I know that many over the last two weeks
19 worth of hearings, both at Fisk and Crawford, have
20 referenced the Harvard Study. And, trust me, I have read
21 it very closely. The one thing that is pointed out is
22 that there are many other contributors to the problems
23 that we face. During the very period that asthma has been
24 increasing here in the United States, emissions from

1 coal-fired power plants have been going down.

2 Emissions from vehicles represent over 50 percent of the
3 emissions of nitrous oxides here in the Waukegan area.

4 We have made significant investments in
5 these facilities; and we are here to be a good neighbor,
6 not just to the city of Waukegan and the neighboring
7 communities, but we are here to be a good neighbor to the
8 state of Illinois. Every source must cut back. And we
9 encourage each one of you to work towards that goal.
10 We are prepared to do what we need to do. We fully
11 support broader federal legislation. We fully support the
12 "Clear Skies" initiative as a means of achieving a
13 national policy level implementation of the clean
14 standards.

15 We appreciate the opportunity to speak
16 tonight. We appreciate your comments. Thank you.

17 HEARING OFFICER MATOESIAN: Thank you,
18 Mr. McCluskey.

19 Now, Ms. Owen, if you would like to speak
20 again.

21 MS. OWEN: Sure. Thank you.

22 I would like to go back to the beginning
23 where I talked about the operational flexibility and the
24 alternate. I believe that Illinois EPA misunderstands

1 what operational flexibility in a Title V permit is
2 supposed to accomplish. Operational flexibility is meant
3 to allow for changes to an existing Title V permit. This
4 permit will be a new Title V permit, and it is
5 inappropriate to include alternate fuels under the
6 operational flexibility provision. USEPA just recently
7 kind of sided with me on that, and I will submit the
8 appropriate documentation in my written comments.

9 And another point on operational
10 flexibility. If there are changes made to a Title V,
11 existing Title V permit, under Opflex, these are not
12 covered under a permit shield until renewal. So my
13 question to you is are the ones that you are proposing
14 under this permit covered under the permit shield?

15 MR. ROMAIN: I think you are tossing around the
16 permit shield language. These provisions would be covered
17 by the permit shield to the extent that there are
18 provisions that are addressed by the permit that applied
19 to them. They wouldn't be covered by a permit shield to
20 the extent that there are provisions that aren't addressed
21 by the permit that would otherwise apply to them.

22 MS. OWEN: Is that yes or no, Mr. Romaine? You
23 have me --

24 MR. ROMAIN: It's yes and no.

1 MS. OWEN: I will try to understand that in
2 writing.

3 And the other concern I have, especially
4 with tire burning and plastics and other good things, the
5 public cannot be assured that any of these proposed
6 alternate fuels will not trigger NSR, that these emissions
7 will not be significant increases that would require an
8 NSR source. But enough of this.

9 MR. ROMAINE: I can explain that easily.

10 If a change that would generally be
11 authorized as an operating change under the Title V permit
12 would require a New Source Review permit, nothing in the
13 Title V permit would excuse Midwest Generation from
14 obtaining that New Source Review permit. It would be a
15 violation if it made the change without first obtaining a
16 New Source Review permit. So that would be an element
17 that hadn't been addressed by the permit, so there would
18 be no permit shield for failing to address New Source
19 Review.

20 MS. OWEN: Okay. Another question, kind of in
21 the same vein. As you are aware, a pollution control
22 facility needs siting. I mean this is so much a Waukegan
23 topic. But just assume for a second that this would
24 require siting if they were to burn garbage. What would

1 happen to the Title V permit?

2 MR. ROMAIN: I guess could you clarify your
3 question.

4 MS. OWEN: My understanding is that before IEPA
5 can issue a permit they have to wait for a siting
6 decision. Now, here we are in the middle, they have an
7 existing construction permit, operating permit, we are
8 looking at the new Title V permit. I don't know what
9 would happen if it was decided that this facility would
10 need siting to burn waste or tires, what would happen to
11 the Title V permit?

12 MR. ROMAIN: Nothing would happen to the
13 Title V permit, because the Title V permit doesn't provide
14 siting. Therefore, the Title V permit because of that
15 other obligation that would apply in this circumstance
16 wouldn't allow the facility to burn garbage until such
17 time as Midwest Generation obtained the required siting.

18 MS. OWEN: Okay. I owe some numbers I meant to
19 mention when I talked about disproportionate impact. I
20 was only able to find emissions for 2001 for this
21 facility. In 2001, Midwest Generation Waukegan emitted
22 4,821 tons of NOx, 11,026 tons of SO2, that is tons per
23 year, as well as 320,290 pounds of toxic chemicals such as
24 heavy metals including mercury, dioxin, hydrochloric acid,

1 and hydrogen chloride.

2 I strongly believe in hearings, and I
3 should because I have been to so many. And I believe that
4 usually they are beneficial to everybody, the Agency, the
5 public, and the source; and they offer learning
6 opportunities. As a matter of fact, in a conversation
7 with one of the IEPA people after one of the recent
8 coal-fired power plant Title V hearings, it was pointed
9 out to me that he noticed that there were little comments
10 from the public on the actual permit conditions, which is
11 true. And this was a very insightful observation. And
12 the question is why is that?

13 And the answer is, you don't supply us with
14 enough information to understand your permit decisions.
15 Other states have embraced this concept of meaningful
16 public participation, which is more than a concept, it is
17 a legal requirement, by issuing things like application
18 review or technical review documents in coordination with
19 the Title V permits. For instance, if you want to go look
20 at one, I didn't bring one, Ohio, Arizona, and Georgia.

21 The introduction to such a document from
22 Georgia is very nice. Let me read it to you. "This
23 narrative is provided to assist the reader in
24 understanding the content of the attached proposed

1 operating permit. Complex issues and unusual items are
2 explained herein in simpler terms or greater detail than
3 is sometimes in the actual permit." Perfect if you ask
4 me.

5 The project summary you hand out, well,
6 it's a start. There is really nothing in this. It really
7 lacks a lot of detail. The USEPA has issued a letter to
8 the EPA about a statement of basis. The letter reads,
9 parts of the letter, "The statement of basis should
10 include factual information, listing of permits,
11 attainment status, construction and permitting history,
12 compliance history, inspections, and violations, and
13 corrective actions." These are exactly the topics the
14 public is interested in. However, IEPA does not provide
15 those at all. Nor do you provide either historical or
16 up-to-date emissions from those sources, another thing the
17 community is especially interested in.

18 For instance, is Midwest Generation
19 Waukegan in compliance?

20 MR. ROMAINE: They are in compliance based on
21 the most recent quarterly reports. Compliance for
22 particulate matter or opacity is intermittent. Midwest
23 Generation does experience difficulties at times during
24 startup, shutdown, malfunctions of the ESP, load changes,

1 malfunction of hoppers; but 99 plus percent of the time
2 the opacity is in compliance.

3 MS. OWEN: So the answer is "yes, but"?

4 MR. ROMAIN: It's intermittent compliance.

5 MS. OWEN: Would you explain to the audience
6 what intermittent compliance is and what other compliance
7 there is and what certification -- what your
8 certification, compliance certification, specifies as to
9 what they have to be in compliance with, intermittent or
10 continuous?

11 MR. ROMAIN: A source can be in full compliance
12 if it never exceeded an applicable requirement. It would
13 be in noncompliance if there is continuing or a pervasive
14 noncompliance requirement; or if there have been periods
15 of compliance along with periods of noncompliance,
16 compliance would be deemed intermittent.

17 As part of the compliance certification, a
18 source has to explain whether compliance has been full,
19 intermittent, or noncompliance. A source cannot simply
20 look out the window on the date that it prepares its
21 compliance certification, December 31, and say that
22 everything is okay today. If it knows back in March or
23 June it had a couple days when it had problems, it has to
24 acknowledge those difficulties as part of its annual

1 compliance certification.

2 MS. OWEN: Thank you. I would have expected
3 this explanation somewhere in your compliance
4 certification. I don't like these postcard compliance
5 certifications IEPA uses. The other states deal much
6 better with compliance certification and request a listing
7 of continuous and intermittent compliance. I suggest you
8 seriously investigate if you want to change that, I think
9 this is important.

10 MR. ROMAINE: I guess I'm -- What are you
11 referring to?

12 MS. OWEN: Compliance certification documents
13 vary from state to state as you know. Some states have
14 the IEPA report, make a cross in this box, and you are in
15 compliance. Other states require a much more detailed
16 report on compliance. And I would be more than happy to
17 send you an example.

18 MR. ROMAINE: Illinois recently revised its form
19 for the annual compliance certification.

20 MS. OWEN: Is it better than this now?

21 MR. ROMAINE: The form for the annual compliance
22 certification is a different form than the form for the
23 compliance certification that accompanies the CAAPP
24 application. We did add additional provisions, blanks to

1 the form, to be more informative about describing the
2 history of compliance during the preceding year.

3 MS. OWEN: I'm so glad we agree on something.
4 Thank you.

5 This was actually going to be my last
6 point; but since we are on compliance certification, as
7 you know, I feel that the compliance procedures in the
8 permit illegally limit the use of other credible evidence
9 and they are too narrowly defined. The source has to
10 certify compliance with every permit condition, not just
11 the ones that require monitoring or recordkeeping; and
12 that is not done in your permit.

13 But let's go back to this. My next
14 question is can Midwest Generation be in compliance in the
15 future and meet emission limits in this permit? And
16 specifically, can it meet the NOx limits of 0.25 pounds
17 per million Btu in the ozone season? 714 FA -- Excuse me
18 here. 714 FIA, the history of Midwest Generation's
19 emissions from the three boilers -- And by the way, was
20 boiler No. 6 numbered? There is a boiler No. 17.

21 MR. ROMAINE: Boiler No. 6 is in some documents
22 referred to as boiler No. 17 and other documents it's
23 referred to as 6.

24 MS. OWEN: It would be nice if you let us in on

1 some of these things sometimes. It makes permit review a
2 lot easier.

3 MR. ROMAIN: Uh-huh.

4 MS. OWEN: Thank you.

5 Anyway, since No. 17 is No. 6, a few things
6 I have to say. Okay. 0.25 pounds per million Btu per
7 permit season. The history of Midwest Generation's
8 emissions for the three boilers shows that from 1999 to
9 2001, the latest data I was able to find, only boiler
10 No. 8 was under 25 pounds per million Btu. The other
11 numbers are for No. 6 in 1999 to 2001, .61, .63, .65, that
12 one wasn't even close; No. 7, .31, .26, and .31. And my
13 question is, of course, Midwest Generation has applied to
14 participate in NOx averaging program as you can find in
15 permit condition 7.1 (f) (i) (B). And this includes the
16 other plants, namely, Fisk, Crawford, Powerton, and Will
17 County. And my question is will they be allowed to exceed
18 NOx limits in Waukegan causing an average amount with
19 other plants somewhere else?

20 MR. ROMAIN: In terms of the particular rule
21 that you are referring to, the new NOx rule, Midwest
22 Generation would be perfectly entitled to do that.
23 However, based on the data for 2002 that I have, that
24 shows that the plantwide emission rate for Waukegan was

1 .22 pounds per million Btu. They don't need to undertake
2 averaging with the other power plants that they operate.

3 MS. OWEN: It is my understanding, and I didn't
4 try it yet, that somebody tried to access the AERS data
5 for the Waukegan plant; and the newest data they could
6 come up with was 1998.

7 MR. ROMAIN: I never tried the AERS data. I'm
8 referring to the data on the USEPA's Clean Air Markets Web
9 page, the actual acid rain data.

10 MS. OWEN: Is AERS a requirement you have to
11 hold and obtain and maintain, or is that just a voluntary
12 thing?

13 MR. ROMAIN: The information that is provided
14 on AERS is a different set of data. It is not as quick
15 and correct as the information that the USEPA's Clean Air
16 Markets provides on their Web site for their particular
17 program. And in fact, I'm looking here at the quarterly
18 report for the first quarter of 2003, and I agree with
19 your information. Boiler 6 or 17 at Waukegan certainly
20 has higher NOx emissions and emits over half of the NOx
21 emissions at the power plant and has an emission rate
22 during that quarter of .59 pound per million Btu.

23 On the other hand, boiler 7 is emitting at
24 .15 pound per million Btu; and boiler 8 is emitting at .17

1 pound per million Btu during the first quarter.

2 MS. OWEN: So what are those two doing right
3 that 6 is not doing?

4 MR. ROMAINE: It's a different boiler. The
5 cement was made earlier, why aren't SCRs being used at all
6 the boilers. SCRs are commonly used on Cyclone-fired
7 boilers that due to the design of the boiler have higher
8 inherent NOx emission rates. Depending on the boiler's
9 design, its age and size, some boilers have inherently
10 much higher NOx emissions than other boilers. So a
11 particular class of boilers, a generation or a class and
12 school, that came in with the technology that has
13 particular high NOx emissions, and those are the ones that
14 are being retrofit with selective catalytic reduction to
15 control NOx emissions.

16 MS. OWEN: Thank you. A 1995 White Paper on
17 streamline development of the part 70 application points
18 out that the statement of basis should include rationale
19 and reference material relied on, why conditions from
20 previous issued permits are not transferred into the
21 Title V permit.

22 Why is this important? This Title V permit
23 has left out numerous provisions of existing operating
24 permits without, A, identifying them or, B, any

1 explanation as to why those requirements are no longer
2 applicable. This violates 70.6(a)(1)(i), specifies The
3 permit shall specify and reference origin of and authority
4 for each term and condition and that identify any
5 difference in form as compared to the applicable
6 requirements upon which the term or condition was based.

7 I will submit very detailed comments on
8 this because it happens more than once in your permits
9 there. They do have existing operating permits and there
10 are conditions in there that have totally disappeared
11 without any explanation. You can take them out, don't get
12 me wrong. I know you can, if they are no longer
13 applicable; but you have to tell us why. And you didn't
14 do that. And it makes permit review extremely difficult.
15 I have to second-guess you or mind read your intentions
16 and your reasons for this, and I can't really do that very
17 well.

18 MR. ROMAINE: I guess I would be interested in
19 further explanation why it's necessary. The existing
20 operating permits that are being discussed here were not
21 federally enforceable permits.

22 MS. OWEN: I'm not arguing that. I'm arguing
23 that there would be applicable requirements that I should
24 find in the Title V permit. And if those are no longer

1 applicable, I told you, you can take them out, you just
2 have to tell me that you did it and why.

3 MR. ROMAIN: Then I would simply explain that
4 because none of those permits were federally enforceable,
5 none of those provisions were applicable requirements; and
6 on that basis, none of the requirements for existing
7 operating permits were carried forward.

8 MS. OWEN: Interesting. I don't know for sure,
9 but I'm sure that some of the requirements in the permit
10 were found in your SIP.

11 MR. ROMAIN: If requirements were found in the
12 SIP, they were carried forward; but they were enforceable
13 because they were part of the SIP not because they were
14 found in an existing operating permit.

15 MS. OWEN: I have already talked a little bit
16 about statement of basis and applicable regulations that
17 are the basis for permit conditions. First of all, a
18 permit has to identify the emission units to which the
19 regulations apply. If I look at Section 72, 73, and 74, I
20 can't tell. And I hate to say this, but the application
21 is a lot more thorough on those emission units for 72, 73,
22 and 74 than your permit is.

23 As a matter of fact, there are long
24 listings of what is out there, how many conveyor belts do

1 they have, how many ash silos are there, how many
2 crushers. I can't tell. This is so generic that those
3 three parts of the permit, that could apply to any plant,
4 not Waukegan. I can't tell if it's Fisk or Crawford.

5 And this, of course, in my eyes leads to
6 monitoring, recordkeeping, reporting problems. I know
7 that this facility has a bag house. If they have a bag
8 house, you can tell if it's maintained well by looking at
9 the pressure drop and other things like that. But none of
10 this is in the permit because the word bag house does not
11 appear once in your really strange descriptions of the
12 emission units.

13 As a matter of fact, regulations refer to
14 the owner and operator of an emission source or pollution
15 control equipment. However, 72, 73, and 74 refer to
16 operations in process. This leads to really curious and
17 almost comical text in the permit, like "if the affected
18 process cannot be repaired." That doesn't make any sense
19 to me. Or in any operation you can have a malfunction, I
20 was not aware of that either. I don't understand what
21 happened here.

22 Another thing, I found out by reading the
23 application that Midwest Generation has an ash pond. It
24 sounds pretty yucky to me and especially in Waukegan where

1 people have a history of digging holes in the ground and
2 dumping stuff in them and walking away. I would like to
3 know how big it is. Is it regulated? Do they need a
4 permit for that from either land or water or you don't
5 know? And they are also proposing to build a new ash
6 silo, which is interesting, because do they need a
7 construction permit for that? Does that mean they will
8 abandon the ash pond? Would somebody like to talk about
9 the ash pond?

10 MR. ROMAIN: The ash pond isn't a source of
11 emissions.

12 MS. OWEN: Air emissions. Okay. My question
13 was what about Bureau of Land, Bureau of Water, they are
14 not interested in such a facility either?

15 MR. ROMAIN: The ash pond would be addressed as
16 part of the water pollution control permit as it's one of
17 the processes that's involved in controlling effluent
18 discharges.

19 MS. OWEN: So they either have or will get an
20 NPDES permit?

21 MR. ROMAIN: They have a permit.

22 MS. OWEN: How nice. Here we have a hearing
23 about the huge facility in Waukegan. And as much as I
24 appreciate you guys sitting there, I would have liked to

1 have a word with the Bureau of Water over the ash pond.
2 If you do Title Vs, please consider to incorporate all
3 permits. And if you have a hearing, let's address all
4 permits of this facility, not just the air permits. This
5 categorized thinking in your Agency leads to problems. It
6 really does.

7 Ash silo, will they get a construction
8 permit for that?

9 MR. ROMAIN: It would require a construction
10 permit, yes.

11 MS. OWEN: Thank you. Okay. I have lots of
12 markers in here, but it's getting late, and I will submit
13 all this in writing.

14 But one of the things that struck me as
15 curious, on page 44, 7.1.10(a)(i)(C). Can I suggest again
16 in order to make these permits readable, try continuous
17 numbering of your conditions. To make things worse, you
18 are in the middle of a page and you have to go back three
19 pages to find out what number this letter belongs to. It
20 leads to mistakes. Just don't do it like this, it's
21 annoying.

22 Anyways, it includes, under Reporting
23 Requirements, a discussion of significant changes in the
24 fuel supply to the affected boilers, if any, including

1 changes in the source of coal. What's a "discussion"?
2 See, the old Title V permit had the following requirement,
3 it had quarterly coal reports, which made sense to me.
4 These coal reports had to report the type, the quantity,
5 the ash content, the sulfur, the Btu, and the moisture
6 content of the coal used.

7 Now, your "discussion" in your Title V
8 permit makes no sense to me whatsoever. It's not
9 practically enforceable. It's nowhere defined. It
10 doesn't say what they have to do. I like the one in the
11 operating permit better. Why did you take it out? And,
12 please, define "discussion" somewhere.

13 MR. ROMAINE: It was removed because much of the
14 information that was asked there was no longer relevant
15 since the facility is now required to operate continuous
16 emission monitors for SO2 and NOx.

17 MS. OWEN: So you are not interested -- Well,
18 never mind. Okay. You still owe me a definition of
19 "discussion."

20 But this permit is fraught with undefined
21 terms, with fuzzy language, with practical enforceability
22 issues, and other things which you will hear from me in
23 great detail as usual in writing. Thank you.

24 HEARING OFFICER MATOESIAN: Thank you, Ms. Owen.

1 Do we have any other questions or comments?

2 If so, please again, state your name for the record.

3 MR. NILLES: Again, really briefly, Bruce Nilles
4 with the Sierra Club. I very much appreciate the
5 sincerity that Midwest Generation said they wanted to be a
6 good neighbor and very much welcome their investment to
7 date. But what I ask is publicly to announce that you do
8 three things. One, as you have heard, very grave concern
9 about burning trash. You've never burned trash, why do
10 you have to start burning trash now? If you want to be a
11 good neighbor, I would urge you to stand up tonight and
12 say you don't want to burn trash, number one, or you won't
13 burn trash.

14 Number two, you have heard various people
15 mention that you are under investigation for potentially
16 modifications without putting on the appropriate pollution
17 control technology since 1976. I would ask that all those
18 documents that you supplied to the State and to USEPA be
19 made public. That's the second request as a good
20 neighbor, you make all those documents public.

21 And then third, you mentioned you spent a
22 lot of money on NOx reductions reducing nitrous oxides.
23 You only operate them for five months out of the year. We
24 know there are substantial health benefits if you'd just

1 turn them on 12 months out of the year. So my third
2 request would be, if you want to demonstrate that you are
3 being a good neighbor, do that as well.

4 So don't burn trash, commit to make all
5 those documents available to the public, and, thirdly,
6 operate a NOx controls year-round. Thank you.

7 HEARING OFFICER MATOESIAN: Thank you,
8 Mr. Nilles.

9 Any further questions or comments?

10 (No response.)

11 HEARING OFFICER MATOESIAN: No? Okay. Then,
12 once again, on behalf of Renee Cipriano, the Director of
13 the Illinois Environmental Protection Agency, the Agency
14 itself, and myself, I thank you all for coming; and I will
15 adjourn this hearing. Good night.

16 * * *

17 (Which were all the proceedings
18 had in the above-entitled
19 cause.)

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